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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 NADRA FOSTER,

No. C 10-3703 SI

9 Plaintiff,

10 v.

11 CITY OF BERKELEY, *et al.*,

12 Defendants.
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18 SPECIAL VERDICT
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20 We the jury unanimously find as follows on the questions submitted to us:
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Part A. Actions of Defendant Alexander McDougall:

Section 1983 claim - Excessive Force (against Defendant Alexander McDougall)

1. Did plaintiff Nadra Foster prove, by a preponderance of the evidence, that defendant Alexander McDougall used unconstitutional excessive force against her?

Yes No

If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” go directly to Part B.

Battery claim (against Defendant Alexander McDougall and the City of Berkeley)

2. Did plaintiff Nadra Foster prove, by a preponderance of the evidence, that defendant Alexander McDougall committed a battery against her?

Yes No

Please answer the next question.

Intentional infliction of emotional distress claim (against Defendant Alexander McDougall and the City of Berkeley)

3. Did plaintiff Nadra Foster prove, by a preponderance of the evidence, that defendant Alexander McDougall committed intentional infliction of emotional distress against her?

Yes No

Please go to Part B.

Part B. Actions of Defendant Erik Keene:

Section 1983 claim - Excessive Force (against Defendant Erik Keene)

1. Did plaintiff Nadra Foster prove, by a preponderance of the evidence, that defendant Erik Keene used unconstitutional excessive force against her?

Yes

No

If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” go directly to Part C.

Battery claim (against Defendant Erik Keene and the City of Berkeley)

2. Did plaintiff Nadra Foster prove, by a preponderance of the evidence, that defendant Erik Keene committed a battery against her?

Yes

No

Please answer the next question.

Intentional infliction of emotional distress claim (against Defendant Erik Keene and the City of Berkeley)

3. Did plaintiff Nadra Foster prove, by a preponderance of the evidence, that defendant Erik Keene committed intentional infliction of emotional distress against her?

Yes

No

Please go to Part C.

Part C. Damages

If you answered “Yes” to Question A(1), A(2), or A(3) as to defendant McDougall, then answer the next question as to damages caused by defendant McDougall. If you answered “Yes” to Question B(1), B(2), or B(3) as to defendant Keene, then answer the next question as to damages caused by defendant Keene. Otherwise, go to the end of this verdict form, and sign and date it where indicated.

What is the amount of compensatory damages that plaintiff Foster proved, in accordance with the instructions you have been given and the evidence in the case? In determining damages, you should apportion the damages caused by each defendant; the amounts will be added.

1. Damages caused by defendant McDougall: \$ _____

2. Damages caused by defendant Keene \$ _____

Total Damages(1 + 2): \$ _____

Please go to Part D.

Part D. Malicious, Oppressive or Reckless Conduct:

If you answered “Yes” to Question A(1), A(2), or A(3), please answer this question; if not, go to the next question:

1. Re: Defendant McDougall: Did plaintiff Foster prove, by a preponderance of the evidence, that the conduct of defendant McDougall was malicious, oppressive or in reckless disregard of plaintiff’s rights, as those terms have been defined for you in these instructions?

Yes

No

If you answered “Yes” to Question B(1), B(2), or B(3), please answer this question:

2. Re: Defendant Keene: Did plaintiff Foster prove, by a preponderance of the evidence, that the conduct of defendant Keene was malicious, oppressive or in reckless disregard of plaintiff’s rights, as those terms have been defined for you in these instructions?

Yes

No

Dated: _____

FOREPERSON